



Coalition for Humane Immigrant Rights of Los Angeles

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THE VAN NUYS RAID: A CASE STUDY ON ORGANIZING AND ADVOCACY

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I. Raid in Van Nuys

At 2:45pm on Thursday, Feb. 7, 2008, the Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA) received a phone call from Immigration and Customs Enforcement (ICE) alerting staff of an imminent raid. The message did not indicate where the raid would take place. CHIRLA called ICE and asked to know where the raid would occur. ICE stated it would be in the San Fernando Valley, where immigrants make up 40.81% of the population, more specifically in Van Nuys.¹ The caller could not disclose anymore information; therefore the exact location of the raid was unknown.

By 3:30 pm., the Immigration and Customs Enforcement (ICE) operation had started. The ICE agents had eight arrest warrants for workers inside the Micro Solutions Enterprise (hereinafter MSE) plant, which they secured over several months of investigation. Approximately 150 workers were detained during the ICE operation. Of those detained at the plant, 87 were from Mexico, 24 from El Salvador, 8 from Guatemala, 4 from Peru, 4 from Honduras, and 3 from Colombia. While over 100 ICE agents blockaded the MSE plant, other agents in the building rounded up the panicked workers. Some of the detainees, like a *tamale* vendor, were not MSE workers, but happened to be in the building at the time. No one was allowed to use their cell phones or the bathroom. ICE agents did not allow anyone to leave the plant. ICE held citizens and other workers with documentation, based presumably solely on their ethnic profile. Workers were asked to divide themselves into two lines; one for those with documentation and one for those without documentation.

DHS buses and vans filled with detainees left the factory as worried family members, media outlets, lawyers, and immigrant- and worker- rights groups looked on.

II. CHIRLA's Role

CHIRLA's work is centered in organizing, advocacy and community education. Since 1986, CHIRLA has worked to organize day laborers, household workers and undocumented students. These organizing and advocacy programs, along with existing networks, proved extremely beneficial in dealing with the Van Nuys raid. Upon learning about the impending raid in Van Nuys, the Day Laborer Organizer for CHIRLA immediately began calling worker and community organizers in the area to be on the lookout. Preparing for the worst, CHIRLA also called its legal allies to be on standby.

¹ U.S. Census Bureau, 2005 American Community Survey and Congressman Brad Sherman

CHIRLA helped organize a network in Los Angeles called the Los Angeles Rapid Response Network (hereinafter “Network”) composed of National Immigration Law Center (NILC), American Civil Liberties Union (ACLU), National Lawyers Guild (NLG) and American Immigration Lawyers Association (AILA) to provide pro bono legal services to its constituents.

The purpose of this case study is to examine CHIRLA’s work and role in response to the Van Nuys and within the Rapid Response Network as well as the impact of the raid on the workers involved. First, there will be a discussion regarding the alleged “humanitarian” component of raids. Then there will be brief discussion as to the creation and function of the Network. This will be followed by an analysis of CHIRLA’s advocacy and organizing around the Van Nuys raid. Finally, there will be an examination of the lessons learned as a result of CHIRLA’s work with the Van Nuys raid victims.

III. “Humanitarian” Raids

Since ICE formally adopted federal guidelines, developed with the office of Sen. Edward Kennedy (D-Mass.), it has softened the treatment of women arrested in work-site raids who are pregnant, nursing infants or serving as sole caregivers to children or seriously ill relatives. Humanitarian raids have become the new protocol for ICE raids of 150 or more workers.

According to a news release issued by ICE on February 11, 2008, the MSE raid was a “humanitarian raid,” in which 46 persons were released on humanitarian grounds. Ankle monitors were supposed to provide a “humane” alternative to detention. A week after the release of the MSE raid victims, many were ordered to wear an ankle monitor as a condition for their release. These monitors were placed on almost every worker regardless of whether they were truly considered a “flight risk” or dangerous.

These ankle monitors caused great shame for the workers. The MSE workers testified many times before media outlets and at hearings that the bracelets tagged them as criminals. The bracelets also came with curfews from 7p.m. -7a.m. The MSE workers were required to charge their ankle monitors everyday for about two hours, sometimes longer, at which point they had to sit connected to an electrical outlet. There were many problems with the ankle monitors not functioning properly. The company managing the ankle monitors for ICE sometimes called the MSE workers in the middle of the night because their ankle monitors were not working and therefore not reporting to them.

Initially the goals of the Network were to have the ankle monitors removed from pregnant and lactating women and people with medical conditions based on humanitarian grounds. The removal of the bracelets was later obtained with the help of lawyers from the Network. Motions were submitted arguing that the raids victims were not flight risks and granted. In order to have the bracelets removed a \$1,500 bond had to be posted. CHIRLA served in numerous capacities in the removal of the ankle monitors from the raid victims, which will be discussed more in depth later.

The truth is there is no such thing as a humanitarian raid. Families, communities and religious networks cannot replace these caregivers nor adequately fill their roles. This fact is well-documented by the Urban Institute and the National Council of La Raza's 2007 study: "nearly 5 million children with undocumented parents are at risk for serious economic, psychological, and physical hardship"².

A survey of 82 victims of the MSE raid was conducted by CHIRLA. Of those surveyed, 67 had no criminal history³ and 76 were head of household.⁴ When it came to their emotional state after the raid; 10.5% had health problems related to the trauma, 29.8% were anxious, 21.1% were nervous, 35.1% were depressed, 57.9% were worried and 8.8% had nightmares.⁵ As a result of all the emotions from the raid, 27 requested referrals to counseling services.

Here are some personal stories in which workers describe the horrific experience of being caught in an immigration raid, and the emotional trauma it caused. The names of these people were omitted for their protection and privacy.

"ICE agents entered and asked us to put our hands behind our backs and to go to the cafeteria. They told me I could not make any calls and I was unable to contact my family. The agents told us to separate into groups of those with papers, without, pregnant, and who had children to take care of. One agent asked me several questions about where I was from, if I had documents, about my parents, and about my children but I didn't answer any of the questions. Before entering the bus, we were searched and then we entered the bus where the men were using vulgar language. The bus driver kept yelling for everyone to be quiet otherwise they were going to tie their feet. I asked to go to the restroom, over and over again but they ignored my request. During the interview I finally answered the questions I was asked before. They then sold us phone cards so we could call our families! They also gave us a fridge that didn't work and we had to eat in the restrooms. They then gave me my charges and papers and the agent said that I had to sign. He also yelled at me and took away my cell and made fun of me and said he could do whatever he wanted (laughing). All my belongings were returned."

"I felt a lot of fear, I thought immediately of my daughter[...] I was very afraid that I would not see her again. I thought they would lock us up in jail"

"I felt like I was made fun of by the agents. They served us rotten food. I was very frightened. The immigration agents would get mad and irritated because we didn't speak English."

² "Paying the Price: The Impact of Immigration Raids on America's Children" by Urban Institute (October 2007)

³ 6 participants in survey skipped the question

⁴ 5 participants in survey 5 skipped the question

⁵ Please note that 25 of the victims were uncomfortable discussing their emotional state and did not answer the questions.

IV. Denial of Right to Counsel

At the actual raid some workers requested counsel, while one worker gave an ICE officer a Know Your Rights card, which details specifically the right to remain silent until a lawyer is present. These requests were ignored and ICE officers continued to interview the workers without the presence of counsel. This puts detainees in a very vulnerable position, where they may sign voluntary deportation papers unknowingly or against their will. The key arrest warrants remain sealed, something the community and lawyer groups consider unconstitutional. These violations were the basis for the case filed by ACLU and NILC on behalf of the MSE workers. The government settled the case and agreed to allow attorneys to accompany MSE workers on their immigration interviews.⁶

V. Advocacy

Advocacy for the rights of the Van Nuys raids victims was crucial in helping them. CHIRLA, in conjunction with UNITE- HERE Local 11, organized a press conference at the federal building where the detainees were held on February 8, 2008, the day after the raid. Victims released for humanitarian reasons were present and relatives of detainees were there as well. The purpose of the press conference was to create an awareness and sense of outrage within the community. The press conference was also used as a public education forum for a panicked immigrant community. An additional press conference was held after the release of the remaining raid victims. At this press conference, the ACLU and CHIRLA both urged ICE to “STOP THE RAIDS”. The victims were present and spoke to the media about their experience.

As part of CHIRLA’s advocacy work on the raids campaign, a resolution was drafted and submitted to allies in city council. The resolution was an attempt to let the federal government know that that the city of Los Angeles wanted the raids stopped. CHIRLA was well aware that federal jurisdiction supersedes municipal jurisdiction, but nevertheless thought a city resolution condemning the raids would be symbolic. Initial work on the proposed resolution was speedy, however gaining the political support of even the most loyal allies of the immigrant community proved to be quite a challenge. City council members seemed hesitant to issue such a resolution and one has yet to be passed.

Another important component of CHIRLA’s advocacy for the victims of the MSE raids was in ensuring their presence at every event possible. Ms. Salas testified before the Congressional Field Hearing on Immigrant Integration in Los Angeles. The findings of this hearing were presented by Congresswoman Hilda L. Solis (D-CA), Special Representative on Migration for the Organization for Security and Cooperation in Europe (OSCE) Parliamentary Assembly and a member of the United States Helsinki Commission. Ms. Salas testified regarding the effects of raids on families and the need for immigration reform.

⁶ “The Los Angeles Rapid Response Network: How advocates prepared for and what they learned from the recent workplace raid in Van Nuys.” Hincapie, ‘Marielena, Tumlin, Karen.

Early on, CHIRLA recognized the importance of getting the support of the Los Angeles business community. Many business owners recognized the need for immigrant workers and spoke against the raids in a press conference.

CHIRLA secured funding by way of a private donation to pay for half of the bonds posted by the raids victims. The other half was covered by the raids victims themselves. Some challenges in getting the bracelets removed came in the administrative management of the private funds and the money of the raids victims. Additionally, the first two days of the bracelet removals were difficult because ICE did not have a set procedure for how the bracelets would be removed. Many ICE workers were confused and had no idea how to go about removing the bracelets. However, persistence and cooperation with the legal members of the Network allowed for the successful removal of the bracelets. Seven bracelets were removed on May 21, 2008. Seven additional bracelets were removed on May 22, 2008. Thirteen more were removed in the following week with CHIRLA's assistance. It is important to note that although the ankle monitors were removed, CHIRLA had to remind the raids victims that the restrictions regarding monthly reporting visits still remained in place. The good news is that there is now a National Immigrant Bond Fund which can be used for posting bonds of raids victims.

VI. Organizing

It was CHIRLA's Day Laborer Organizer, Antonio Bernabe, who first received a tip from his community contacts that buses were leaving from Victory Boulevard and Woodley Avenue in Van Nuys. Buses are often a sign of an imminent raid. It was 7 p.m. when CHIRLA reached Micro Solutions Enterprises (MSE). No one was allowed to enter MSE for security reasons. Outside MSE, Mr. Bernabe dispensed materials informing the families of the worker's of their rights and how to go about locating family members that were detained. CHIRLA remained at the MSE plant until 11pm in order to provide information on how to find family members, and what to do in the event of a raid.

CHIRLA has been the lead organizer for the MSE raids victims. It planned and organized weekly meetings with the victims of the MSE raid. Here at CHIRLA, we recognize the importance of effective organizing and knew the MSE raid would not be an exception. CHIRLA's organizing team and staff all worked hard to organize and unite the MSE raids victims. In uniting the victims of the raid, the Network was better able to assist and provide guidance for the group as a whole and to the individuals as well.

Weekly Sunday meetings provided an outlet for both the Network and the victims of the raid. The meetings served as a forum for the questions of the MSE raids victims to be answered and for the organizers and attorneys to obtain information. Initially, meetings were filled with tears and fear because no one knew what was happening. The advocates at CHIRLA worked hard to calm the fears of the raids victims. This was not

an easy task because little was known as to ICE's strategy in dealing with the MSE workers in these new humanitarian raids.

VII. Lessons Learned

a. The Network

There is a delicate balance that must be maintained within the Network between attorneys and organizers and advocates. Attorneys and CHIRLA both had similar and unique goals regarding the MSE raids victims. Attorneys use the law to protect the rights of their clients, while the goals of CHIRLA are to lobby and advocate for a change in the national immigration law. Attorneys from the Network have a duty to represent specifically the interests of their clients. Conversely, CHIRLA is interested in representing both individual and collective interests.⁷

Attorneys are bound by the attorney-client privilege, and the Network respects this. Even if this presented some challenges in being able to move forward as a Network in a cohesive manner. However these challenges were overcome with meetings and discussions on strategy with the Network attorneys. Honesty and openness, as much as was legally permitted, between CHIRLA and the Network attorneys proved to be the best way to overcome this challenge.

b. Documentation

Documentation is of great importance when dealing with raids victims. The information gained from MSE raids victims after the raid proved invaluable. Following the raid, CHIRLA created its own intake form. The form included basic information that was considered beneficial in meeting the needs of each victim. For example, some questions on the intake were about marital status, nationality of children and even regarding what type of assistance each worker thought they needed with most urgency. The intake forms were then imputed into a database and used for general statistical data. This information has been useful in dealings with the media and in dealing with government officials. CHIRLA is currently looking into more sophisticated databases which can be put into place in the event of another raid. Additionally, this database may be used for all other types of information obtained by CHIRLA staff. Without proper documentation, the important and powerful stories of the MSE workers could be lost and not forwarded to the appropriate parties.

⁷ The Rapid Response Network was created in an effort to lend assistance to the victims of immigration raids. It is comprised of attorneys, advocates and activists. This Network is the first of its kind, in that it has offered legal assistance and political organization for the victims of raids. As an advocate, the goal of CHIRLA is to empower the victims of these raids to not only overcome the aftermath of the raid personally, but also to become part of the larger struggle for immigration reform.

c. Social Service Agencies

Coordination with social service agencies is crucial. The Los Angeles Raids Network had a difficult time finding agencies that would lend assistance to the MSE raids victims. The MSE workers were obviously no longer working and their bills were still coming. They needed food, their utilities paid, rent and other expenses paid. CHIRLA was able to find resources in the religious food banks to provide food for the victims. Although the resources that were found proved invaluable, they were limited. More social services were needed in order to provide assistance to these victims. Further outreach to social service agencies is necessary in order to meet the demands of the raids victims.

VIII. Conclusion

CHIRLA's work with the victims of raids has been challenging because it had to learn how to navigate in a way it has never done before with the assistance of a Network. CHIRLA must form a broader network that can render all the forms of aid needed for raid victims. It has been a learning process in CHIRLA's advocacy and organizing work. However the experience has been mostly rewarding because on February 12, 2009, one of the raid victims had his removal proceedings terminated as a result of due process violations he suffered.⁸ This will hopefully set the precedent for all the victims of this raid and any future raids.

⁸ Matter of Perez-Cruz, (2009)